THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:2-3-2006

WRIT PETITION No. 3930 OF 2006

BETWEEN:

Vemula Rajasekhar

…Petitioner

And

Jangaon Municipality, represented by its Commissioner, Jangaon and others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the inaction of the official respondents in initiating any action against the 4th respondent as arbitrary, illegal, capricious, unconstitutional and gross violation of statutory provisions of A.P., Municipalities Act, Rules and Byelaws apart from being violative of Articles 14 and 16 of the Constitution of India.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Municipal Administration and Rural Development.

It is the case of the petitioner that he is the neighbour of the house

bearing Municipal No.2-1-109 belonging to the 4th respondent and the said house is in precarious, dangerous and dilapidated condition. The Commissioner of Jangaon Municipality issued a notice under Section 231 of the Andhra Pradesh Municipalities Act, 1965, vide proceedings No.H1/95/2005, dated 25-4-2005 directing the 4th respondent herein to remove the dilapidated and dangerous structures which are existing after removal of the same coming under the road widening. It is stated that the 4th respondent has not removed the dilapidated and dangerous structures, but he filed an application for granting permission to construct a building. It is stated that the application filed by the 4th respondent dated 7-11-2005 has been rejected on the ground that the plans submitted by the 4th respondent are not correlating with the extent of the land available on the site; and the balance of land left after widening of the road is not suitable for granting permission as per the Building Rules, as the entire site is within the provisions to be made for the set back. It is stated that in spite of the rejection letter issued by the first respondent dated 15-11-2005, the 4th respondent is proceeding to construct a house. The petitioner filed a representation dated 6-4-2005 before the first respondent for demolition of the dilapidated and dangerous structures of the 4th respondent, but the said representation has not been considered and disposed of.

I am not inclined to express any opinion as to whether the 4th respondent is making any construction contrary to the rules and after leaving the land for road widening purpose. However, as the representation filed by the petitioner is pending, it is for the first respondent to consider and dispose of the same.

Accordingly the writ petition is disposed of with a direction to the first respondent to consider and dispose of the representation of the petitioner, if any pending in accordance with law, after giving reasonable opportunity to the petitioner and 4th respondent.

V.ESWARAIAH, J

Date:2-3-2006.

Note:-

Issue CC in one week.

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Shr.